

Submission
No 3

INQUIRY INTO INCLUSION OF DONOR DETAILS ON THE REGISTER OF BIRTHS

Name: Name Suppressed
Date Received: 21/11/2011

Partially Confidential

12th November, 2011

Mr John Barilaro MP

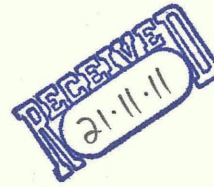
Chairman

Legislative Assembly Committee on Law and Safety

Parliament House

Macquarie Street

Sydney NSW 2000



Dear Mr Barilaro

Submission to the Inquiry for the inclusion of donor details on the register of births

I would like to thank The Hon. Greg Smith NSW Attorney General, you and the committee for addressing this very important issue.

My name is [REDACTED] and I am the donor/father behind this inquiry.

My daughter [REDACTED] was born on the 14th August 2001 and is now 10 years old. [REDACTED] was conceived by artificial insemination using my sperm which was inseminated into the birth mother by her then partner. (They separated in 2006)

It was my **intention** which has been proven in the Family Court that I was to be [REDACTED] father and her 3rd parent. I have attached documentation (**annexure 1**) written by [REDACTED] two mothers to prove this statement and the agreement we had for her creation. I was never to be an anonymous sperm donor but a donor with a father daughter relationship with my child.

I have had a father, daughter, third parent relationship with my daughter since the day she was born. I paid for all of the birth mother's pre birth fertility treatments and all the medical expenses when [REDACTED] was born, I have supported [REDACTED] financially and I have purchased a second home near her school to facilitate contact with her after I obtained consent orders thru the Family Court in 2002. I have not until recently (due to the District Court Case) (**annexure 2**) missed one day in 10 years of my scheduled contact days.

[REDACTED] knows me as her father and [REDACTED] knows me as her 3rd parent.

[REDACTED] original birth certificate was issued on the 13th September 2001 and recorded her name as [REDACTED] but the birth mother did not record the name of me as her father. Copy Attached (**annexure 3**)

On the 16th December 2002 after I filed papers in The Family Court Sydney an out of court settlement was reached by [REDACTED] birth mother and myself that resulted in my name being recorded on [REDACTED] birth certificate as her father and [REDACTED] was issued with a new birth certificate The birth mother at this time changed [REDACTED] name deleting my surname [REDACTED] but [REDACTED] original name is recorded on the bottom of the birth certificate in section 8. Copy Attached. (**Annexure 4**)

Since the introduction of the Miscellaneous act on same sex relationships in 2008 and my recent District Court case which was mounted by the ex same sex-partner of the biological mother, **Judge Stephen Warmesley** had no choice but to make an order to have my name removed from my daughter's birth certificate because there is no provision for a 3rd parent to be listed. (**Annexure 5**)

My daughter [REDACTED] now has the name of the biological mother's ex- partner (another woman) recorded on her birth certificate as her father. I would like to think that your committee and the world at large would find this situation ludicrous.

The current Australian birth certificate unlike public belief is a record of a person's legal parents. It is not a record of a person's biological parents, i.e Mother/Father. **This situation must change.**

I want to achieve by way of this inquiry a new birth certificate created to record a child's birth parents (Mother/Father) regardless of if the child was created by artificial insemination or by sex. This is only if the donor wants to be known to their child and this was the agreement with the birth mother prior to the sperm being donated.

Another section should be created on the birth certificate to record the details of the child's other parents.

The current arrangement with anonymous donors being recorded on a register with the NSW Department of Health should stay in place and made compulsory so that all children born by way of donors have the right to know their identity.

This type of birth certificate was introduced in Ontario Canada in 2007 after a high court challenge copy attached. There have been no adverse impacts from this change. (Annexure 6)

It is my view that there would not be many cases of this type but with changing times and the diversity of families of today this need has to be addressed now.

Legally my daughter does not have a father, nor a birth certificate with a father's name recorded but in reality she does have a father who has loved her and financially supported her since the day she was born.

The creation of my daughter was no accident or a one night stand. She was created by 3 mature adults who all wanted a child to love.

My daughter is now being denied a human right (United Nations convention on the rights of a child) and that is to have an identity. (Annexure 7)

My daughter [REDACTED] has written a letter to you which is attached giving you her view on this unacceptable situation, I hope your committee takes this letter seriously. (Annexure 8)

Yours sincerely

[REDACTED]

Donor/father

[REDACTED]

[REDACTED]

[REDACTED]